

CHAPTER: VIII ASSISTANCE UNIT	SECTION: 1 BASIC UNIT REQUIREMENTS	COMAR: 07.03.03.06
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REQUIREMENTS –MANDATORY MEMBERS

A. The following individuals must be included in the assistance unit when they live in the same household:

1. A parent and all the parent's natural or adopted eligible children
 - Includes both parents of an eligible child
 - Includes a child
 - a. Under age 18
 - b. Under age 19 if a full time student in secondary school or equivalent
 - c. Age 19 who is a full time student in secondary school or its equivalent and expects to graduate or complete the program before the end of the calendar year the child turns 19

Note: The natural parents of an adopted child can be in the assistance unit with the child if the adoptive parents agree.
(See Technical Eligibility -Living with Relative)

2. The parents and child of a minor parent
3. Minor siblings related by blood, adoption, or marriage
 - Includes half-siblings

Note: The whole or half natural siblings of an adopted child can be in an assistance unit with the adopted child if the adoptive parents agree.

4. A pregnant woman with no other children if the child, when born and living with the woman, is expected to be eligible
 - The father of the unborn must be included when living with the pregnant woman

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5. Unmarried adults with a child in common or an unborn child
 - The unborn child is not added to an assistance unit until born, but **the unborn is always considered a child in common when both parents are living together and draws all parents and their children into the assistance unit**
 - This includes the stepparent or common-law partner who had a choice about being in or out of the unit prior to conceiving an unborn child in common

- B. Each individual in the assistance unit must meet technical factors to be eligible
- C. An individual who is specifically excluded (see Excluded Individuals) cannot be in the assistance unit

REQUIREMENTS – OPTIONAL MEMBERS

- A. The following individuals may be in the assistance unit, but are not required to be:

1. A needy relative and spouse, acting in the place of the parent, who is caring for the child

Note: If the needy caretaker relative in the assistance unit has no natural or adopted children in the unit, the case is State-funded TCA.

2. A child from another sanctioned assistance unit if the current caretaker relative has obtained legal guardianship
3. A child from another sanctioned assistance unit who has been placed with the current caretaker relative by Social Service staff
4. A parent, or other relative acting in place of the parent, who is temporarily absent from the home
 - An example is a parent who is in a residential substance abuse facility or in a work training program
5. A child who is related by blood or marriage to the non-parent caretaker relative, but is not a sibling of any child in the assistance unit
 - A separate assistance unit cannot be established for that child

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6. A stepparent with children in the home, but no child in common with the caretaker relative
 - They cannot be a separate assistance unit
7. An unmarried adult with children living in a common law relationship, but no child in common with the caretaker relative
 - They cannot be a separate assistance unit
- B. When an optional individual is added to the assistance unit, all of that individual's natural or adopted children and any minor siblings of the children must be included in the assistance unit when living in the same home
- C. All optional individuals needing assistance must be part of the mandatory unit and separate units cannot be established for them.

REQUIREMENTS – EXCLUDED INDIVIDUALS

- A. All the following individuals cannot be in an assistance unit, but their income and assets are countable:
 1. A parent who fails to meet technical factors of eligibility
 2. A stepparent with no minor children in the home
 3. A parent who is an illegal or undocumented immigrant
 4. A parent who is fleeing to avoid prosecution, custody, or confinement after conviction of a crime or an attempted crime when the crime occurred after August 22, 1996 and is:
 - A felony under the laws of the place from which the individual is fleeing, or
 - If in New Jersey, a high misdemeanor under the laws of that state
 5. A parent who is violating a condition of parole or probation under federal or state law for an offense that occurred after August 22, 1996 and the offense:
 - Is classified as a felony by the laws of the jurisdiction involved
 6. A custodial parent convicted of an offense that occurred after August 22, 1996, which is classified as a felony by the laws of the jurisdiction involved and includes possession, use, or distribution of a controlled substance, and

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- The parent refuses or fails to comply with substance abuse testing or treatment requirements after July 1, 2000
7. A custodial parent who was convicted of a felony that includes possession, use, or distribution of a controlled substance on or after July 1, 2000 while receiving TCA, WAG or Emergency Assistance, if he conviction occurred within the past 12 months
- After the year's ineligibility from the date of conviction, the parent is subject to the requirements in 6 above

Note: The custodial parent is defined as the adult or minor biological or adoptive parent, stepparent, or other caretaker relative living with related children.

Effective July 1, 2000, custodial parents who were convicted of a felony after August 22, 1996 that involved a controlled substance are eligible for TCA if all technical and financial factors are met and the parent agrees to comply with substance abuse testing and treatment requirements

Customers who are convicted of a drug related felony on or after July 1, 2000 while receiving TCA, WAG or Emergency Assistance are ineligible for benefits for one year after the date of the conviction and are subject to substance abuse testing and treatment requirements.

8. A parent who has failed to comply with Family Investment Program (FIP) substance abuse provisions
9. A minor child who is not a full-time student and who fails to comply with the work requirements and does not have good cause.

Note: The earnings of a child in the assistance unit are not counted. This includes the earnings of minor parents who are not head of household.

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- B. The following individuals cannot be in the assistance unit and their income and assets are not countable:
1. A child who fails to meet technical factors of eligibility
 - Includes a child who is not a minor parent and was convicted after August 22, 1996 of a felony involving a controlled substance
 2. A Supplemental Security Income (SSI) customer
 3. A child for whom a foster care payment is paid
 4. A child for whom an adoption subsidy is paid
 5. A child who is temporarily absent from the home for more than 180 consecutive days unless the longer absence is approved by the Secretary of the Department of Human Resources
 6. Non-parent caretaker relative who is technically ineligible, an illegal or undocumented immigrant, a fleeing felon, parole violator, or was convicted of a felony after July 1, 2000 that involved a controlled substance while receiving cash assistance and the conviction was within the last 12 months

ASSISTANCE UNIT COMPOSITION

- A. Other regulations that specifically exclude an individual take precedence over the basic assistance unit composition requirements.
- B. Parents and minor children must be in the assistance unit together
- The relationship is legally severed between an adopted child and the natural parents and they can be in an assistance unit together only with the approval of the adoptive parents
 - When parents have joint custody, the parent who has custodial care the majority of the time can receive TCA for the child (See Living with Relative for details)
 - When one parent is not physically in the home because of employment, such as an out of town job or military assignment, the family is intact and that parent is included in the assistance unit and all of that parent's income is countable to the unit

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- C. There must be a child in the assistance unit unless the only child is:
1. An SSI customer
 2. Unborn
 3. A child for whom a subsidized adoption payment is made
 4. A child for whom a foster care payment is made
- D. There cannot be two assistance units in the same household unless the family units are unrelated (and not living in a common law relationship) or cannot be combined. Examples of separate units are:
1. Two adult sisters with children share a house. Since the sisters are adults they cannot be combined into one unit
 2. The household has 3 generations – Mrs. Jones, her 15 year-old daughter Alice, her daughter Jane, and Jane’s infant son:
 - If Jane is a minor, it must be one assistance unit
 - If Jane is an adult, she and her son cannot be in the TCA unit with her mother and sister
 - If Jane is 18 or 19 and meets the school requirements, she can choose to remain in her mother’s TCA grant or be a separate assistance unit
 3. Two friends share a house and each has children. Since they are not related, they cannot be in the same unit.

Note: An individual who is serving a home detention, rather than a jail sentence:

- Is treated like any other family member when determining who is required to be in the assistance unit
- Must meet the same eligibility requirements as all other family members
- May receive assistance, if otherwise eligible, unless convicted for a felony that was controlled substance related and occurred on or after July 1, 2000 and the conviction was within the last 12 months.

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VERIFICATION

- A. Require verification of pregnancy if there are no other children because the unborn is the child that allows the parent or parents to be eligible
- B. No other verification is required unless the information is questionable

CASE MANAGEMENT TIPS

- Getting the assistance unit set up correctly on CARES is very important – look at the total household before setting up a case

EXAMPLES

Example 1. Mary Landers applies for herself and her 8 year-old daughter, Sally. Living in the home is her 3 year-old son, Dan, and his father Frank Jones, but she is not applying for them since Frank takes care of their son.

- Since Mr. Jones and Ms. Landers have a child in common, everyone in the household must be in the assistance unit.
- If Mr. Jones left the home, Dan would still have to be in the unit because he and Sally are half-siblings.

Example 2. Jane Doe applies for assistance for her 15- year-old daughter Joy and her 12-year-old son David. Ms. Doe is now married to Mr. Crane, who supports her, but cannot support his stepchildren.

- Jane Doe must be in the assistance unit with her children; parents and children must be in a unit together.
- Mr. Crane cannot be in the assistance unit because he does not have any children in the unit, but his income is deemed.

Example 3. Sally Johnson applies for assistance for herself and her 7- year-old grandson, Harry. Living in the home is another grandson, John – age 15, who is Harry's cousin. She is not applying for John because he gets \$400 per month in Social Security benefits.

- Ms. Johnson does not have to apply for John because he is not her son or Harry's brother.
- If the family gets Food Stamps, Harry and his income must be included

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Example 4. Janet Smith is receiving Temporary Emergency Medical and Housing Assistance (TEMHA). She reports and brings proof that she is two months pregnant and living with the father of the unborn.

- Ms. Smith is now eligible to apply for TCA.
- She and the father of her unborn are both required to be in the unit
- Ms. Smith is no longer eligible for TEMHA

Example 5. Gloria Brown is receiving assistance for herself and her 3 minor sons from a previous marriage. Also in the home is her boyfriend, Jackson Black. Mrs. Brown reports that she is pregnant with Mr. Black's child and the baby is due in mid-June. Mr. Black is employed full-time.

- Mrs. Brown and Mr. Black must be in the assistance unit because they have a child (unborn) in common
- Mrs. Brown's sons are in the unit because they must be in a unit with their mother
- The unborn child will be added when born

Example 6. Barbara Boyd applies for assistance for herself, 2 daughters by a previous marriage, a son, David, by her current boyfriend, Charles, who was recently convicted of and incarcerated for drug possession (he was arrested in September 1997 and convicted in March 1999), and Charles's daughter, Mary, and stepson, Peter, from his previous marriage.

- Mrs. Boyd receives assistance for everyone on her application.
- The mandatory members are:
 - Mrs. Boyd
 - Her daughters and her son, David
 - Mary because she is the half sibling of Mrs. Boyd's son, David
 - Peter because he is a stepbrother of Mary
- After July 1, 2000, Charles can be in the grant when released from prison if he agrees to comply with drug testing and treatment requirements

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Example 7. Mrs. Jones applies for assistance for her 2-month old granddaughter, Rachel. Also in the home is Rachel's mother, Jane, who is a 16 year-old high student and Jane's 17 year-old boyfriend, John, who is Rachel's father. Mrs. Jones is willing to continue to support her daughter, Jane, but needs help with the baby.

- The assistance unit must include everyone in the home because parents and minor children cannot be separated
- Jane and John must be in the unit with their daughter, Rachel
- Mrs. Jones must be in the unit with her minor daughter, Jane
- **Note:** If Jane, John and Rachel lived with John's parents, Rachel, her parents and paternal grandparents would be in one unit because John is a minor.

Example 8. Mr. Marshall applies for assistance for himself and his sons on July 6th in Baltimore County because he was laid off from his job. He and his ex-wife have joint custody of the boys. The children live with Mr. Marshall one week and his ex-wife the next week. Mrs. Marshall applies for herself and the boys in Baltimore City on July 7th.

- Mr. Marshall has the right to receive assistance for himself and his sons, if eligible, because he applied first
- Mr. Marshall could agree to withdraw his application and allow his ex-wife to continue her application
- The children can only be in one assistance unit and since they spend equal time with both parents, either parent could be the custodial caretaker
- If the children were with one parent more than half of the time, only that parent could be eligible

Example 9. Ms. Mason applies for assistance for herself and her biological twin daughters, Nancy and Natalie, who were adopted by Mr. and Mrs. Wilson through social services shortly after their birth. The Wilsons are not related to Ms. Mason. The girls returned to Ms. Mason's home and wish to remain there.

- Ms. Mason can only receive assistance for her biological daughters if the adoptive parents agree

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Example 10. Ms. Norton applies for assistance for herself and her sons, Ned and Nelson, who were adopted by her sister, Ms. Landon, when they were infants. The boys knew she was their biological mother and now want to live with her.

- Ms. Norton can receive assistance for herself and the boys because they are now her nephews (her sister's children)
- Since the children are related as her nephews, Ms. Norton can receive assistance for them, if living with her, whether or not Ms. Landon agrees

Example 11. Judy Judson is a 19-year-old foster child with a new baby. She applies for herself and the baby.

- Only the baby can be in the TCA assistance unit because foster care payments are made for Judy
- If foster care payments were also made for the baby, they are both ineligible for TCA because they cannot be in two cash programs simultaneously

ADDITIONAL INFORMATION

- Assistance Unit - Minor Parent
- Technical Eligibility – Live-In Families
- Assistance Unit - Stepparent
- Financial Eligibility – Income sections
- Financial Eligibility - Assets
- Technical Eligibility - Living with Relative